

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARTIN BASORA,

Petitioner,

v.

CHARLES GREEN, Warden,

Respondent.

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Civil Action No. 17-7064 (JMV)

OPINION

APPEARANCES:

MARTIN BASORA
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105
Petitioner, *pro se*

BRYAN K. LONEGAN, Esq.
Office of Immigration Litigation
970 Broad Street
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

On September 13, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention since February 2, 2017, by U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) On October 31, 2017, Respondent submitted the Declaration of Deportation Officer Maurice A. Williams, indicating that ICE removed Petitioner to the Dominican Republic on October 18, 2017. (ECF No. 4-1, ¶4.) Respondent contends the

habeas petition is moot. (ECF No. 4.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: November 1, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge